

John Dalessio
 16 Via Las Encinas
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 August 16, 2008

FILED
 AUG 28 2008
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Judge Vaughn R. Walker
 United States District Court
 Northern District of California
 450 Golden Gate Avenue
 San Francisco, CA 94102

Re: Commonwealth v Dalessio (CV-08-1739)

Dear Judge Walker:

This letter will attempt to clarify the confusion surrounding a “scheduled” case management conference in the above entitled action. I received notice of this hearing, set for 3:30 p.m. August 13, at approximately 5:30 p.m. August 12, when I collected our mail.

I’m at a loss to explain why I did not receive this notice, which was dated July 31, and bore a postmark of August 1, until almost two weeks later. I note, however, that the response of attorney David Shane, which I received after the scheduled hearing, was not dated until August 12. This leads me to wonder when Shane received his notice.

Also confusing were the instructions accompanying the Clerk’s Notice. They stated that the Plaintiff, presumably Commonwealth Annuity and Life Insurance Co. (Commonwealth), through Shane, was to serve the notice on me. Instead, I received the notice from the court, with a copy served on Shane.

Further confusing this matter was Shane’s August 12 statement to the court, in which he claimed to have made “numerous calls” to me, apparently with reference to the subject case management conference. The fact is that from the date that you inserted yourself into the case as its judge until the case management conference, I received no communication from Shane.

After receiving notice of the court’s hearing on the evening of August 12, I discontinued my pain medication, in preparation for driving to San Francisco. Unfortunately, suddenly stopping the medication often does not work. When I attempted to drive to San Francisco the next afternoon, I got about one-third of the way and had to turn back.

After arriving home at 2-2:30 pm, I called a number that I located on the web, 415-522-2039 and left a message on the machine that answered that I had been unable to make the drive, but that I would be home at 3:30, and available for a telephone conference. When I had not received a call by 3:35, I telephoned 415-522-2063, talked to two persons in your

chambers, and explained to both what had transpired. I was told by the second person that she would "try" to get my message to you. I remained home and kept the phone line clear in the event that you wanted to conduct the case management conference via telephone.

Your chambers later called me with the information that the conference had been continued until September 18, at 3:30 pm. I expect to be in communication with Shane in sufficient time to have a joint case management plan before the court on that date.

Hopefully, by then I also will have received from the Ninth District documents requested by me under the Freedom of Information Act, and I will have a better understanding of the roles played by the various parties in leaving a permanent judgment on my record, while depriving me of the opportunity to appeal and overturn that judgment.

Sincerely,


John Dalessio

Cc: David Shane
Shane & Taitz

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